



MELVIN SACKS

Page 2

1 ORAL AND VIDEOTAPED DEPOSITION OF MELVIN PHILLIP  
2 SACKS, produced as a witness at the instance of the  
3 DEFENDANTS, and duly sworn, was taken in the  
4 above-styled and numbered cause on the 11th of October,  
5 2007, from 10:00 a.m. to 11:43 a.m., before Tammy  
6 Staggs, CSR in and for the State of Texas, reported by  
7 machine shorthand, at the law offices of Windle Turley,  
8 P.C., 1000 Turley Law Center, 6440 N. Central  
9 Expressway, Dallas, Texas, pursuant to the Federal Rules  
10 of Civil Procedure and the provisions stated on the  
11 record or attached hereto.

HG Litigation Services  
1-888-656-DEPO

Electronically signed by Tammy Staggs (401-029-128-2421)

b32e6787-f075-4051-8527-a1286e8a681e

MELVIN SACKS

Page 3

A P P E A R A N C E S

FOR THE PLAINTIFFS:

Winford L. Dunn, Jr., Esq.  
DUNN, NUTTER & MORGAN, LLP  
State Line Plaza  
Box 8030  
Texarkana, Arizona 71854  
870.773.5651  
870.772.2037 - Fax

\*\*and\*\*

T. Nguyen, Esq.  
TURLEY LAW FIRM  
1000 Turley Law Center  
6440 North Central Expressway  
Dallas, Texas 75205  
214.691.4025  
214.361.5802 - Fax

FOR THE DEFENDANTS:

William J. Cremer, Esq.  
CREMER, KOPON, SHAUGHNESSY & SPINA, LLC  
180 North LaSalle  
Suite 300  
Chicago, Illinois 60601  
312.980.3014  
312.726.3818 - Fax

\*\*and\*\*

Marcos G. Ronquillo, Esq.  
GODWIN PAPPAS RONNQUILLO  
Renaissance Tower  
1201 Elm Street  
Suite 1700  
Dallas, Texas 75270  
214.939.4400  
214.760.7332 - Fax

ALSO PRESENT:

Chris Birge - HG Litigation - Videographer

HG Litigation Services  
1-888-656-DEPO

MELVIN SACKS

Page 4

1	INDEX	
2	Appearances.....	PAGE 2
3	Stipulations.....	--
4	MELVIN PHILLIP SACKS:	
5	EXAMINATION BY MR. CREMER.....	5
6		
7	Signature and Changes.....	85
8		
9	Reporter's Certificate.....	87

EXHIBITS  
(None)

REQUESTED DOCUMENTS/INFORMATION  
(None)

CERTIFIED QUESTIONS  
(None)

HG Litigation Services  
1-888-656-DEPO

MELVIN SACKS

Page 5

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: This is the video  
3 deposition of Melvin Sacks. The deposition is being  
4 taken on October 11th, 2007. The deposition is being  
5 taken at 6440 North Central Expressway, Dallas, Texas.  
6 We're on the record at 10 o'clock a.m.

7 Will the court reporter please swear in  
8 the witness.

9 MELVIN PHILLIP SACKS,  
10 having been first duly sworn, testified as follows:

11 EXAMINATION

12 BY MR. CREMER:

13 Q. Will you state your full name.

14 A. Melvin Phillip Sacks.

15 Q. Mr. Sacks, have you ever been in a deposition  
16 before?

17 A. Never.

18 Q. I would ask that you allow me to finish my  
19 question before you begin your answer.

20 A. Okay.

21 Q. It's not very easy for the court reporter to  
22 take both of us speaking at the same time. Make sure  
23 you understand my questions. If you don't, please stop  
24 me and ask me to rephrase it or repeat it and I'll be  
25 happy to do that for you. If you answer a question, I

HG Litigation Services  
1-888-656-DEPO

MELVIN SACKS

Page 36

1 A. It said heart attack, so...

2 Q. You just took that at face value?

3 A. I did, yeah.

4 Q. Did you think that possibly the Cooper Clinic  
5 missed something?

6 A. No.

7 Q. Did you know about your son's drug use before  
8 his death?

9 MR. DUNN: Objection. Form.

10 A. Somewhat.

11 MR. DUNN: Excuse me -- object to the  
12 form.

13 Q. (BY MR. CREMER) I shouldn't say your son. I  
14 should be more specific. Did you know about Richard's  
15 drug use before his death?

16 MR. DUNN: Objection. Form.

17 You can answer if you can. Go ahead and  
18 answer the question.

19 A. Yes.

20 Q. (BY MR. CREMER) And what drug -- what drugs  
21 did you understand him to use?

22 A. Marijuana.

23 Q. Do you know what his frequency of use was,  
24 let's say, in the three years prior to his death?

25 A. No.

HG Litigation Services  
1-888-656-DEPO

MELVIN SACKS

Page 37

1 Q. Do you know whether he would be a habitual  
2 user or a daily user of marijuana?

3 A. No.

4 Q. If Holly testified that he was using marijuana  
5 once or twice per day, would you have any -- would  
6 you -- would you disagree with that evidence?

7 A. I wouldn't disagree and I wouldn't agree.

8 Q. You don't know?

9 A. I don't know, no.

10 Q. Did you ever see Richard using marijuana?

11 A. Not in front of me.

12 Q. Did you ever discuss with Richard his  
13 marijuana use?

14 A. No.

15 Q. Did you ever advise him not to smoke  
16 marijuana?

17 A. No.

18 Q. Was he a cigarette smoker?

19 A. No.

20 Q. Ever smoke cigarettes in his life?

21 A. No.

22 Q. Was he a cigar smoker?

23 A. No.

24 Q. Never saw him smoke a cigar in his life?

25 A. No.

HG Litigation Services  
1-888-656-DEPO

MELVIN SACKS

Page 38

1 Q. Did he -- do you ever knew -- know him to use  
2 the drug Ecstasy?

3 A. No.

4 Q. If Holly testified under oath that he used  
5 Ecstasy, would you disagree with that?

6 A. Neither.

7 Q. Do you know that he was using drug -- that he  
8 bought drugs while in Mexico? Did you ever hear about  
9 that?

10 A. Yes.

11 Q. And how did you learn about that?

12 A. Through Holly too.

13 Q. And do you -- did she tell you that they asked  
14 a cab driver who drove them to some house where these  
15 drugs were given to them?

16 A. She wasn't that explicit.

17 Q. Did you ask anything about the drugs?

18 A. I asked what it was.

19 Q. And were you concerned that -- strike that.

20 When did you specifically learn in time  
21 that your son had bought drugs while he was in Mexico?

22 A. Within a week or two after his passing.

23 Q. And didn't a question come into your mind  
24 about whether or not something in those drugs might have  
25 caused his death?



MELVIN SACKS

Page 39

1           A.     Not at that time.

2           Q.     Did it ever cross your mind that maybe the  
3     drugs -- something laced in those drugs may have been  
4     responsible for his death?

5                     MR. DUNN:  Objection.  Form.

6                     You can answer if you can.

7           A.     The question again, please.

8           Q.     (BY MR. CREMER)  Did it ever cross your mind  
9     at any time that the drugs that he bought and used in  
10    Mexico may have been laced with something that caused  
11    his death?

12                    MR. DUNN:  Again, object to form.

13                    You can answer if you can.

14           A.     I don't know what they put in them, so I  
15    wouldn't know.

16           Q.     (BY MR. CREMER)  I'm just asking whether it  
17    occurred to you that that might have been the case, that  
18    might have been a cause of his death.

19           A.     I might have thought about it.

20           Q.     And did you ever ask if there was any kind of  
21    toxicology study done on his body?

22           A.     No, I never asked that.

23           Q.     I mean, would there be anything, to your  
24    knowledge, that would violate religious law if they just  
25    drew blood and tested for illicit drugs in his system?

MELVIN SACKS

Page 40

1 MR. DUNN: Objection. Form.

2 Go ahead.

3 A. I wouldn't be against that or it wouldn't  
4 be -- no, but they --

5 Q. (BY MR. CREMER) Did you -- I'm sorry. Go  
6 ahead and finish your answer. I'm sorry.

7 A. But he passed away Sunday at 5:00. He was  
8 back here Tuesday morning. He was rushed out of Mexico  
9 like the world was coming to an end. I have had friends  
10 that their mother and fathers passed away. It took  
11 eight to ten days to get them out of there. We didn't  
12 expect him for a week. When we were told he would be  
13 home Tuesday morning -- he was on a separate plane  
14 coming in -- I was shocked. I said, how did he get out?

15 Q. Did you ever discuss with your wife -- your  
16 ex-wife or any family members about having a toxicology  
17 study done to see what type of drugs were in his system  
18 at the time of his death?

19 A. No.

20 Q. You weren't curious about that either?

21 MR. DUNN: Objection. Form.

22 You may answer.

23 A. I never, you know, thought of a toxicology  
24 test.

25 Q. (BY MR. CREMER) Did you ever discuss with

MELVIN SACKS

Page 59

1 Dr. Lorenzo Triana?

2 A. Yes.

3 Q. And what -- is that a medical doctor,  
4 psychiatrist?

5 A. Psychiatrist.

6 Q. So you're see- -- you're counseling with  
7 Dr. Ravella and then you're seeing -- your drugs are  
8 being managed by Dr. Triana?

9 A. Yes.

10 Q. In the record -- we've looked at these  
11 records, and I have some questions about things that you  
12 apparently discussed with -- first of all, we talked  
13 about Dr. Triana. You saw him on August 28th of 2003.  
14 And it talks about the family psychiatric history, and  
15 it indicates positive drug use, both sons. What did you  
16 tell Dr. Triana about the drug use of Richard and  
17 Jeffrey?

18 A. That I might have suspected they were using  
19 drugs and I didn't know whether it was just socially or  
20 more.

21 Q. What did you base your suspicion on?

22 A. I think Holly might have said something to me,  
23 you know, on that and...

24 Q. Did she talk about what type of drugs they  
25 were using?

MELVIN SACKS

Page 60

1 A. No, she never told me.

2 Q. Did you ever know your son to use cocaine?

3 Richard?

4 A. No.

5 Q. How about Jeffrey?

6 A. No.

7 Q. So you don't have any specific knowledge of  
8 what type of drugs they were using. You just understood  
9 from Holly that they were using drugs?

10 A. Yeah.

11 Q. Did she ever say that she was concerned about  
12 it to you?

13 A. She just said she doesn't like the smell of it  
14 or something, you know. And not that she was really  
15 concerned, but, you know, she didn't know.

16 Q. Were you also seeing a Dr. Godley?

17 A. Yes.

18 Q. Does he work with Ravella?

19 A. He did for a month or two and then moved to  
20 Savannah, Georgia.

21 Q. You talked to -- you mentioned to Dr. Triana  
22 on August of '04 that your stress is high due to your  
23 son's worsening mental health and subsequent worsening  
24 business. What were you talking about at that time?

25 A. Well, I just told you on the management.

MELVIN SACKS

Page 63

1 going to have a heart attack? Were you -- how did the  
2 panic attack manifest itself?

3 A. The tightness in my stomach. I feel like  
4 throwing up. I know the difference between a panic  
5 attack and a heart attack.

6 Q. The last note here of Dr. Triana is July 26th  
7 of '07. Have you seen him since then?

8 A. No. I'm due to see him.

9 Q. Okay. And at that time he was reporting that  
10 you were doing better and that your mood was generally  
11 stable.

12 A. Right.

13 Q. Would you agree with that?

14 A. Somewhat, yeah.

15 Q. Going now to Dr. Neil Ravella's records, I  
16 would like to ask you some questions about things you  
17 may have talked to him about. It indicates that you had  
18 an argument two months before Richard's death and that  
19 you made up but not completely. Do you remember talking  
20 to the doctor about that?

21 A. I mentioned it, yes.

22 Q. And it says here something about a question of  
23 being at someone else's wedding?

24 A. We were at a wedding the weekend before he  
25 went away, and we were sitting at the same table. And

MELVIN SACKS

Page 64

1 everything seemed great at that time. He left a little  
2 early. And usually I got a hug and a kiss, so I  
3 probably felt bad about not getting that after he passed  
4 away.

5 Q. And you also told him when you first saw  
6 him -- this is an entry dated July the 8th, 2003 -- that  
7 you were having arguments with Jeffrey about embezzling  
8 money from Richard and Jeffrey's business, that he had  
9 been spending money on private goods. Do you remember  
10 telling your doctor about that?

11 A. Yes.

12 Q. Well, tell me about the argument you had with  
13 Jeffrey about embezzling money from the business.

14 A. It wasn't embezzlement. I said you can't  
15 write something off from the business that you're buying  
16 personally and charge it to the business. I said  
17 because Richard's not doing it, so you have to run it  
18 right.

19 Q. Was he doing that? Was he charging personal  
20 things?

21 A. He did one or two things -- items and that was  
22 it.

23 Q. What were the items you were aware of that he  
24 charged the business that were for personal use?

25 A. I don't know. He might have been taking

MELVIN SACKS

Page 65

1 friends out for lunch instead of -- or dinner instead of  
2 buyers or something like that, but I don't really  
3 remember.

4 Q. Was Richard aware of the fact that Jeffrey was  
5 making inappropriate purchases with the company  
6 finances?

7 A. Yeah, the bookkeeper would tell him because I  
8 think it was the bookkeeper that told me. So I had the  
9 argument because I -- you know, she would -- she would  
10 do the disbursements in the computer.

11 Q. When was this -- when was -- when did this  
12 argument take place where you confronted Jeffrey about  
13 inappropriate spending of business assets?

14 A. I really don't remember.

15 Q. It was -- was it within calendar year 2003?

16 A. Yeah, possibly -- maybe then, a little later.

17 Q. Was Richard -- did Richard ever confront  
18 Jeffrey about these issues?

19 A. That I don't know.

20 Q. You never were present?

21 A. They never got mad at each other. And if they  
22 had an argument, they were still together. They  
23 wouldn't tell me because they didn't want to aggravate  
24 me.

25 Q. There's a -- the next visit on August 11th

MELVIN SACKS

Page 66

1     indicating that Holly was interviewed by your lawyers  
2     and that she is admitting to more than what she's  
3     previously noted.

4           A.     Not my lawyers.

5           Q.     When you --

6           A.     At that time they were Jeffrey's lawyers.

7           Q.     Okay.   Jeffrey hired lawyers?

8           A.     Yeah.

9           Q.     To look into this incident?

10          A.     Well, his corporate lawyers were talking to  
11     him about it.

12          Q.     When you were talking about Holly admitting to  
13     more than she's previously noted, what were you  
14     referring to?

15          A.     I don't -- I don't remember in what context I  
16     would have said that.

17          Q.     On September 12th of '03, there's a notation  
18     in Dr. Ravella's records that you were blaming Holly too  
19     much when trying to make sense of Richard's death.

20          A.     Well, I didn't know who to blame.   I mean, I  
21     was blaming --

22                   MR. DUNN:   Object.   Be responsive to his  
23     ans- -- to his question.

24                   THE WITNESS:   Okay.   Uh...

25                   MR. DUNN:   Wait until he -- wait until he



MELVIN SACKS

Page 67

1 asks you a question.

2 A. Okay. Can you re- --

3 Q. (BY MR. CREMER) Yes. When you mentioned to  
4 Dr. Ravella that you were blaming Holly too much when  
5 trying to make sense of Richard's death, what were --  
6 what were -- what did you mean?

7 MR. DUNN: Object to form as to whether  
8 or not he said it in the first place.

9 Q. (BY MR. CREMER) At that time.

10 A. That maybe she wasn't in the room fast enough,  
11 she should have been there, why didn't the hotel call  
12 her.

13 Q. You said on October 14th that you were  
14 concerned about Jeffrey's pot smoking. Do you remember  
15 talking to Dr. Ravella about that?

16 A. Yes.

17 Q. Why were you concerned about it?

18 A. His wife had mentioned something to me and it  
19 was since Richard had passed away.

20 Q. What -- was your concern that it would affect  
21 his health?

22 A. I was concerned that it would affect his  
23 health and that wasn't a proper escape for him, that he  
24 should see a psychiatrist.

25 Q. And did you ever talk to Jeffrey about his pot

MELVIN SACKS

Page 68

1 smoking?

2 A. He went to see Dr. Triana, his partner Masimo.

3 Q. Is he still seeing him today, to your  
4 knowledge?

5 A. Yes.

6 Q. Did Jeff have any conflict with Holly after  
7 the death?

8 A. No.

9 Q. There's a notation on March 15th, 2004 in  
10 Dr. Ravella's notes which indicates: Jeff's conflict  
11 with daughter-in-law, search for data and answers,  
12 search for emotional resolution.

13 Do you know what --

14 A. No.

15 Q. -- he was talking about there?

16 A. No.

17 Q. You never told him that Jeff had a conflict  
18 with Holly?

19 A. I don't remember. I -- I wouldn't -- I was  
20 living with Holly. I wouldn't carry bad stories.

21 Q. On March 31st of '04, you were telling  
22 Dr. Ravella that Jeff accused Holly of not taking care  
23 of Richard. Do you remember that incident?

24 A. I don't remember it, no.

25 Q. You don't remember telling the doctor that

1 either?

2 A. Not really, no.

3 Q. And you don't remember Jeff telling you that  
4 he accused Holly of not taking care of Richard?

5 A. Jeff never told me that.

6 Q. Do you know anything about an old girlfriend  
7 of Richard's coming forward and said that her  
8 ten-year-old daughter might be Richard's child?

9 MS. NGUYEN: Objection. Form.

10 MR. DUNN: Objection to that. Answer it  
11 if you can, but we've got an objection to it.

12 A. I heard something about it.

13 Q. (BY MR. CREMER) Well, tell me about who told  
14 you that information that Richard might have a child  
15 with another woman.

16 A. Jeffrey did.

17 Q. Did you follow up on that at all?

18 A. Yes.

19 Q. And how did you follow up on that?

20 A. It was somebody he was dating before Holly way  
21 back and we took DNA tests --

22 Q. Did the --

23 A. -- in Lewisville.

24 Q. And how did you -- where did you get the DNA  
25 sample from?

MELVIN SACKS

Page 70

1 A. We took it out of my arm. She went with her  
2 daughter and she took a test and Marilyn took a test up  
3 in Boston.

4 Q. Was this -- was this woman claiming paternity  
5 against Richard?

6 A. No.

7 Q. But you wanted to know whether or not that was  
8 your --

9 A. His daughter.

10 Q. -- your grandchildren?

11 A. Yeah, grandchild.

12 Q. And what was the determination?

13 A. No.

14 Q. The DNA test showed she was not?

15 A. Absolutely posit- -- all not -- positively  
16 not.

17 Q. Okay. An entry on April 7th, 2004,  
18 Dr. Ravella's notes indicate there was conflict within  
19 the family. Jeff blames Holly. Do you know what that  
20 was about? What you were telling Dr. Ravella -- what  
21 were you telling him that Jeff blames Holly for?

22 A. I really don't remember.

23 Q. You said Lauren blames Jeff. Do you know what  
24 Lauren blames Jeff for?

25 A. No, no, I don't remember.

1 Q. By the way, while I'm thinking of it, do you  
2 know anything about Richard's drinking habits before his  
3 death, weekly drinking habits?

4 A. Moderately, very moderate.

5 Q. If he reported to the doctors at the Cooper  
6 Clinic about his drinking habits and he said he had 20  
7 drinks a week, does that sound about right to you?

8 A. No. He'd only have drinks if he entertained.  
9 I don't know. He could have, but I was never with him  
10 when they went out to entertain.

11 Q. You never saw him -- you never considered him  
12 to have a drinking problem?

13 A. No.

14 Q. Do you know whether there was any  
15 recommendations made by the Cooper Clinic that he reduce  
16 his frequency of drinking?

17 A. No.

18 Q. You didn't notice anything different about his  
19 drinking habits after he went to the Cooper Clinic, did  
20 you?

21 A. I never noticed before, no.

22 Q. November the 3rd of 2004, you indicated to  
23 Dr. Ravella that you had a blow out with Holly. Do you  
24 remember that fight?

25 A. It might have been a fight in the house or

MELVIN SACKS

Page 72

1 something, but I don't remember that.

2 Q. You said that -- it says in this note that:

3 Angry. She told Jeff about auto claims.

4 Do you know what that was about?

5 A. No.

6 Q. He became angry and told her all he knew of  
7 her activities, that he felt she was only concerned  
8 about money. Do you remember this fight between Jeff  
9 and Holly?

10 A. No.

11 Q. Suspected she murdered his son. Did you ever  
12 say that to Ravella?

13 A. No.

14 Q. You never told Dr. Ravella that you suspected  
15 that Holly murdered Richard?

16 A. I don't remember ever saying that.

17 Q. Did you ever think it?

18 A. No.

19 Q. The note on November 12th of '04 indicates  
20 trying to get body exhumed. Did you say that to  
21 Dr. Ravella?

22 A. I said that to his mother.

23 Q. What did she do to try to get the body  
24 exhumed?

25 A. Just talked about it.

MELVIN SACKS

Page 73

1 Q. And Holly refused?

2 A. I don't know what she said to her. I don't  
3 know whether she said yes or no or anything.

4 Q. On March 9th of 2005, the note indicates that  
5 you went to your son's grave and you indicated that --  
6 to the doctor, we weren't the ones that killed Richard.  
7 Nobody killed Richard. He killed himself.

8 Do you remember telling the doctor that?

9 A. No.

10 Q. You don't know what you meant --

11 A. No.

12 Q. -- when you were telling Dr. Ravella that  
13 nobody killed Richard, he killed himself?

14 A. No, I don't remember that.

15 Q. And a note August 3rd, 2005 it says: Jeff  
16 given credit cards a few years ago. Richard advised  
17 against it.

18 Do you know what that was about?

19 A. Yes.

20 Q. Tell me about it.

21 A. I let him use one of my credit cards.

22 Q. Did he run it up?

23 A. He ran it up, but then he paid it off.

24 Q. Then you -- it indicates you found a return  
25 check for \$3,500. Jeff was buying wife 2004 Mercedes.